IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 501/2000

AKHLAQ HUSSAIN Vs. HUSSAIN BANO

DATE: 02.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Sanjay Mehrishi for the petitioner.
Mr. K.A. Khan for the respondent.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 16.08.2000 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Jhalawar in Criminal Revision No. 2/99, whereby the revision petition filed by the respondent Hussain Bano has been partly allowed and the order dated 19.08.98 passed by the Civil Judge (Jr. Division) & Judicial Magistrate, Jhalawar on the application under Section 3(2) of the Women Protection of Rights on Divorce Act, 1986 has been set-aside.

Learned counsel for the petitioner submits that as the trial Court awarded the amount of 'Mehar' and 'Iddat' and the same has been received which is not disputed, but after one year certain document are filed before the Revisional Court and the Revisional Court having heard on the revision, partly allowed the

revision petition filed by the respondent and remanded the matter back to the trial Court for fresh adjudication after giving consideration to the documents and the evidence in support of the documents.

Per contra, learned counsel for the respondent submits that no illegality has been committed by the Revisional Court by remanding the matter back to the trial Court and it is for the trial Court to freshly adjudicate the matter after appreciation of the documents and the evidence in support of the documents and nothing wrong has been committed.

Having considered the rival submissions of the respective parties and upon careful perusal of the order impugned dated 16.08.2000, as several questions are raised here in the revision petition and it appears that the Revisional Court has not considered the legal aspect which are raised here in the revision petition, therefore, I deem it proper to quash and set-aside the impugned order dated 16.08.2000 passed by the Revisional Court and remit the matter back to the Revisional Court for fresh adjudication. The parties are at liberty to raise legal issues before the Revisional Court and the Revisional Court shall pass fresh order considering all the aspects as well as the documents which are submitted by the respondent whether these are essential to be taken on record to decide the

present controversy or not, and after due consideration shall pass fresh speaking order.

With the aforesaid observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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